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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CRAWFORD SHAW, an individual,

Plaintiff,

v.

CHINA ARMCO METALS, INC., et
al.,

Defendants.

2:10-CV-1581 JCM (RJJ)

ORDER

Presently before the court is defendant China Armco Metals, Inc.'s motion to dismiss (doc. #12). The court has rescheduled the response deadline several times due to the plaintiff's having obtained a series of new counsel. The most recent deadline set by the court has passed, but to date the plaintiff has failed to file a response.

Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*,

1 the court finds dismissal appropriate.

2 Accordingly,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED defendant China Armco's
4 motion to dismiss (doc. #12) is GRANTED. The case is dismissed without prejudice as to defendant
5 China Armco.

6 DATED January 24, 2011.

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9 UNITED STATES DISTRICT JUDGE